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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,331	03/19/2001	Mehmet Kemal Ozkan	RCA 89400	4673
24498	7590	12/29/2005	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/622,331

Applicant(s)

OZKAN ET AL.

Examiner

Hai Tran

Art Unit

2611

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

**HAITRAN**  
**PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues, "the Examiner is wrong. The Guide is clear. Each of these version numbers is identically defined and represents the version number of the WHOLE guide..." In response, the Examiner respectfully disagrees with Applicant assertion because Applicant seems to misconstrue the Guide from ATSC Standard. The Examiner don't see any differences between Applicant' version\_number and the version\_number described in the Guide-ATSC Standard. (see Applicant Fig. 2-11)

Off course, the version\_number represents the whole Guide as Applicant indicated at the beginning when the GUIDE is first created; But after that, the change occurs within these tables because Provider changes their Guide content. Thus, if, for example, one of the table is changed then the corresponding version\_number of the corresponding Table\_id is changed accordingly in which each corresponding table will be updated independently (according to the well technique of "relational database and datastructure"). The system will compare version\_number between corresponding table, i.e., previous version\_number value versus currently received updated table (same table\_id) with new version\_number value. If there is a difference, then the corresponding table is updates accordingly.

Claim 6, Applicant again misconstrues the GUIDE-ATSC standard in view of Eyer because Eyer discloses an apparatus (Fig. 1 and 2) for acquiring packetized program data from at least a first source, in which Eyer apparatus acquires program guide information (IPG data) and for acquiring ancillary information conveyed in hierarchically ordered data tables in the packetized program data, the ancillary information including an initial master program guide with "block\_version" is used to indicate change in programming has occurred during the valid lifetime of the current master program guide (Col.13, lines 35-42+) and a processor for determining change and changes the program guide as needed. In doing so, Eyer (Fig. 2-4) in view of ATSC discloses apparatus for adaptively decoding re-partitionable packetized program guide data according to region (see Eyer; Fig. 4) comprising a processor for acquiring program guide data comprising hierarchically ordered data table partitions and including partitioning information (Col. 8, lines 23-Col. 9, lines 15), in which the partitioning information including, partition identifiers assigned to individual partitions of said program guide data, as disclosed by ATSC standard page 19; Channel grouping, see Fig. 5.6 and EIT-EIT Link, Fig. 5.7 page 24.

Claim 13, as to "updatable cell numbers for indicating content change of a partition" this limitation is not recited in claim 13!

Claim 13 recites "... (a) updatable version numbers for indicating content change of a partition, and (b) cell numbers assigned to individual partitions of said program guide information, wherein..." The Examiner believes the Eyer in view of The GUIDE clearly discloses that based on the version\_number value, the system able to determine there is a change in the Guide table by comparing the previous version\_number value to the current version\_number value of the most recent Guide table. Thus by detecting the version\_number value is not the same the system able to updated accordingly.

In conclusion, The Examiner don't see any differences between Applicant' version\_number (see Applicant Fig. 2-11) and the version\_number described in the Guide-ATSC Standard. As such the Examiner maintains the rejection..